

# **Exhibit E**

Pages 1 - 32

United States District Court

Northern District of California

Before The Honorable Donna M. Ryu

Oracle America,	)	
Incorporated,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. C10-3561 DMR
	)	
Google, Incorporated,	)	
	)	
Defendant.	)	
_____	)	

San Francisco, California  
Thursday, August 25, 2011

**Reporter's Transcript Of Proceedings**

**Appearances:**

For Plaintiff:	Boies, Schiller & Flexner, LLP 1999 Harrison Street, Suite 900 Oakland, California 94612
By:	<b>William Fred Norton, Jr., Esquire Steven Christopher Holtzman, Esquire Meredith Richardson Dearborn, Esquire</b>
	Oracle, USA, Incorporated Legal Department 500 Oracle Parkway, Esquire Redwood City, California 94065
By:	<b>Deborah K. Miller, Esquire Andrew Temken, Esquire</b>

(Appearances continued on next page.)

**Reported By: Sahar Bartlett, RPR, CSR No. 12963  
Official Reporter, U.S. District Court  
For the Northern District of California**

(Computerized Transcription By Eclipse)

**Sahar Bartlett, C.S.R. No. 12963, RPR  
Official Court Reporter, U.S. District Court  
(415) 626-6060**

Appearances (continued):

For Defendant: Keker & Van Nest  
710 Sansome Street  
San Francisco, California 94111  
By: **Christa M. Anderson, Esquire**  
**Reid Mullen, Esquire**

Google, Incorporated  
1600 Amphitheatre Parkway  
Mountain View, California 94043  
By: **Renny Hwang, Esquire**

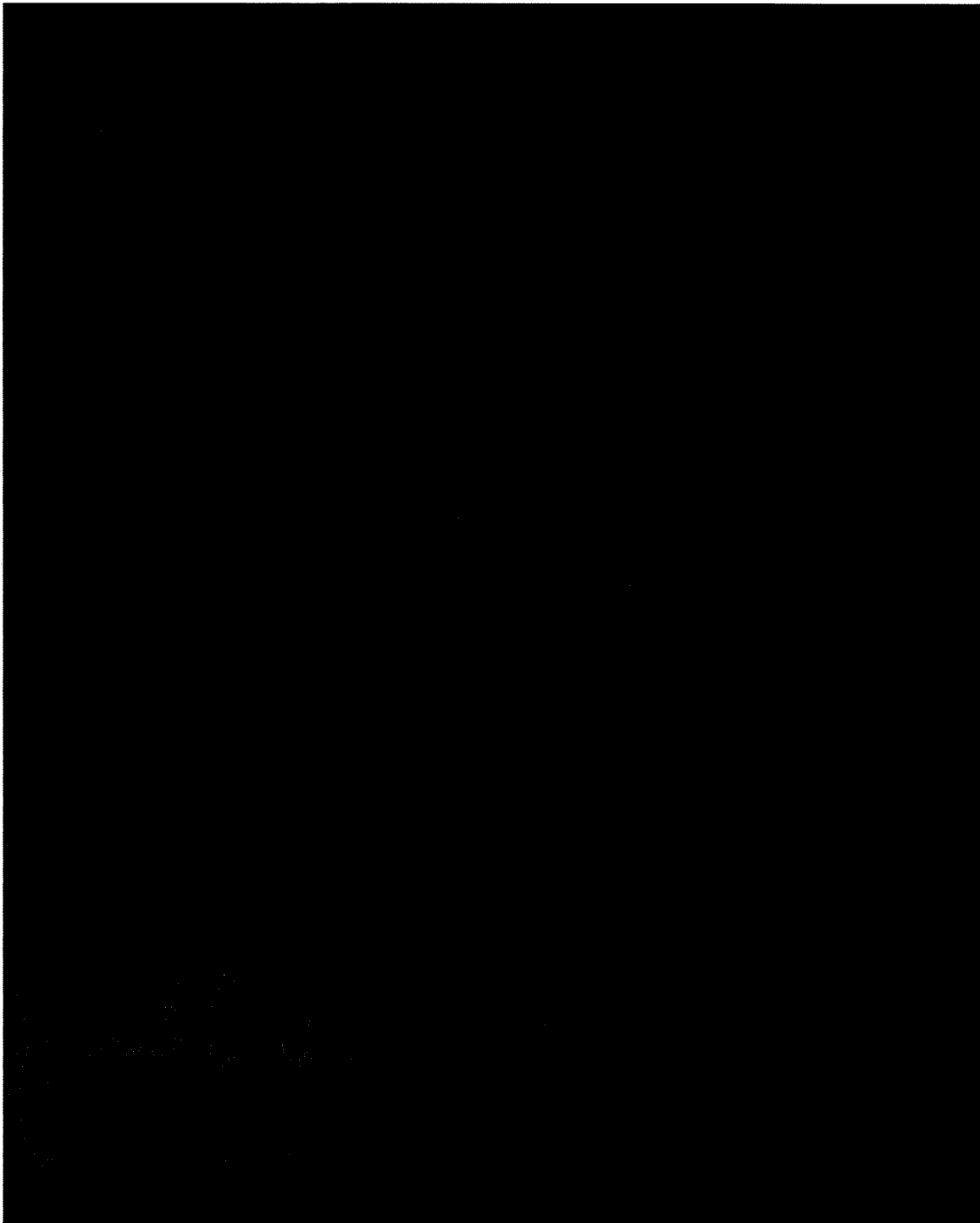
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**THE COURT:**

The other point I want to make is, it may well be that -- that what is said in the declarations is completely accurate, as to presentation of -- by Oracle and meetings that followed and directions to -- to people to gather technological or other -- well, to gather information in anticipation of litigation, but that doesn't mean that this e-mail fell within that category.

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**MS. ANDERSON:** Yes.

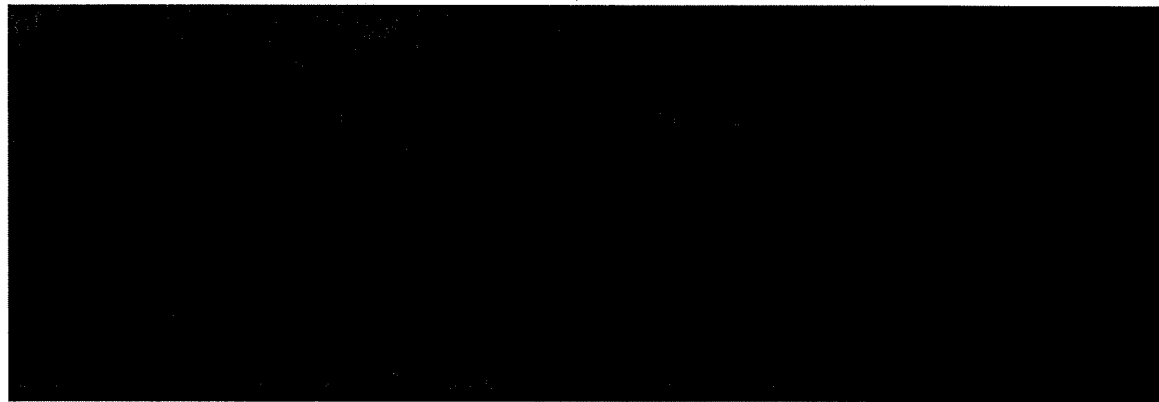
It appears from Your Honor's comments and throughout the course of argument that there is a concern from Your Honor

1 perhaps about the honesty or integrity or credibility of some  
2 of these declarations.

3 **THE COURT:** No, actually, quite to the contrary.

4 I -- I don't know that I -- what I said earlier in  
5 my announcement of the tentative is that it may well be that  
6 Mr. Lee and Mr. Lindholm worked on something together that came  
7 out of that Oracle presentation and that may, you know, if  
8 something were presented to me, might have fallen under the  
9 attorney-client privilege or Work Product Doctrine; I'm not  
10 precluding that that possibility exists and that those  
11 declarations are talking about that, but Google has not  
12 connected the dots to show that this e-mail was part of that.

13 There may have been other things going on; Mr. Lee  
14 and Mr. Lindholm may have been communicating about other things  
15 that had nothing to do with direction by an attorney or seeking  
16 legal advice or that kind of thing. It's Google's burden, as  
17 I've been pointing out all along. So I don't need to reach the  
18 question of whether somebody is not credible or is lying, or  
19 anything like that.



**CERTIFICATE OF REPORTER**

I, Sahar Bartlett, Official Court Reporter for the United States Court, Northern District of California, hereby certify that the foregoing proceedings were reported by me, a certified shorthand reporter, and were thereafter transcribed under my direction into typewriting; that the foregoing is a full, complete and true record of said proceedings as bound by me at the time of filing. The validity of the reporter's certification of said transcript may be void upon disassembly and/or removal from the court file.

**/s/ Sahar Bartlett**

**Sahar Bartlett, RPR, CSR No. 12963**

**Tuesday, August 30, 2010**

**Sahar Bartlett, C.S.R. No. 12963, RPR  
Official Court Reporter, U.S. District Court  
(415) 626-6060**